

Senate Study Bill 3076 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL
BILL)

A BILL FOR

1 An Act relating to mobile and manufactured home tenancy
2 by providing for minimum duration of rental agreements
3 and termination or nonrenewal of rental agreements, and
4 modifying notice of unpaid rent and related forcible entry
5 and detainer provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 562B.10, subsection 4, Code 2011, is
2 amended to read as follows:

3 4. Rental agreements shall be for a term of at least one
4 ~~year unless otherwise specified in the rental agreement.~~
5 Rental agreements shall be ~~canceled~~ terminated by at least
6 sixty days' written notice given by ~~either party~~ a tenant
7 unless the tenant is terminating the rental agreement pursuant
8 to a section of this chapter which allows for a shorter notice
9 period. A landlord shall not cancel a rental agreement solely
10 ~~for the purpose of making the tenant's mobile home space~~
11 ~~available for another mobile home.~~ Rental agreements shall be
12 terminated by a landlord, or not renewed by a landlord, in a
13 time and manner which complies with this chapter.

14 Sec. 2. Section 562B.10, Code 2011, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 4A. *a.* A landlord may terminate a tenancy
17 during the initial twelve months of the tenancy if the tenant
18 engages in any of the following:

19 (1) A material noncompliance with the rental agreement.

20 (2) A material violation of the manufactured mobile home
21 community or mobile home park rules or regulations.

22 (3) Any other violation of this chapter for which
23 termination is a remedy.

24 *b.* A landlord may terminate a tenancy after the initial
25 twelve months, or may only fail to renew a tenancy, for any of
26 the following reasons:

27 (1) A legitimate and material business reason the impact of
28 which is not specific to one tenant.

29 (2) A change in the use of the land if a change in the use
30 of the land is included in the rental agreement as grounds for
31 termination or nonrenewal.

32 (3) Any of the reasons included in paragraph "a".

33 *c.* A landlord may terminate or not renew a tenancy pursuant
34 to paragraph "b", subparagraphs (1) and (2), by a written notice
35 given to the tenant at least sixty days prior to the periodic

1 rental date specified in the notice. The notice shall specify
2 all facts which give rise to the notice of termination or
3 failure to renew.

4 Sec. 3. Section 562B.25, subsection 2, Code 2011, is amended
5 to read as follows:

6 2. If rent is unpaid when due and the tenant fails to pay
7 rent within ~~three~~ fourteen days after written notice by the
8 landlord of nonpayment and of the landlord's intention to
9 terminate the rental agreement if the rent is not paid within
10 that period of time, the landlord may terminate the rental
11 agreement.

12 Sec. 4. Section 648.3, subsection 1, Code 2011, is amended
13 to read as follows:

14 1. Before action can be brought under any ground specified
15 in section 648.1, except subsection 1, three days' notice to
16 quit must be given to the defendant in writing. However, a
17 landlord who has given a tenant three days' notice to pay rent
18 and has terminated the tenancy as provided in section 562A.27,
19 subsection 2, or fourteen days' notice to pay rent as provided
20 in section 562B.25, subsection 2, if the tenant is renting the
21 manufactured or mobile home or the land from the landlord, may
22 commence the action without giving a three-day notice to quit.

23 Sec. 5. Section 648.4, Code 2011, is amended to read as
24 follows:

25 **648.4 Notice terminating tenancy.**

26 When the tenancy is at will and the action is based on the
27 ground of the nonpayment of rent when due, no notice of the
28 termination of the tenancy other than the three-day notice, or,
29 if the tenant is renting the manufactured or mobile home or the
30 land from the landlord, the fourteen-day notice pursuant to
31 section 562B.25, subsection 2, need be given before beginning
32 the action.

33

EXPLANATION

34 This bill makes changes relating to tenancy in mobile home
35 parks and manufactured home communities.

1 The bill amends Code section 562B.10 to provide that the term
2 of a rental agreement shall be for at least one year regardless
3 of whether the rental agreement specifies otherwise. The bill
4 eliminates the right of the landlord to terminate an agreement
5 at the end of the term of the rental agreement upon 60 days'
6 written notice to the tenant.

7 The bill further amends Code section 562B.10 to provide that
8 a landlord may terminate a tenancy during the initial 12 months
9 of the tenancy if the tenant acts in material noncompliance
10 of the rental agreement, commits a material violation of the
11 manufactured mobile home community or mobile home park rules
12 or regulations, or commits any other violation of Code chapter
13 562B which allows the remedy of termination.

14 The bill provides that a landlord may terminate a tenancy
15 after the initial 12 months or may fail to renew a tenancy for
16 a legitimate and material business reason the impact of which
17 is not specific to one tenant, a change in the use of the land
18 if a change in the use of the land is included in the rental
19 agreement as grounds for termination or nonrenewal, or any
20 reason for termination allowed in the initial 12 months of the
21 tenancy.

22 The bill provides that if a landlord terminates or fails to
23 renew a tenancy for a legitimate and material business reason
24 or a change in the use of the land as allowed in the bill, the
25 landlord shall terminate or fail to renew by a written notice
26 given to the tenant at least 60 days prior to the periodic
27 rental date specified in the notice. The notice must specify
28 all facts which give rise to the notice of termination or
29 failure to renew.

30 The bill amends Code section 562B.25 to increase the number
31 of days from three to 14 in which a tenant has to pay the
32 unpaid rent after written notice is provided to the tenant of
33 nonpayment of the rent.

34 The bill amends Code section 648.3 to provide that a
35 landlord can commence a forcible entry and detainer action

1 without giving a three-day notice to quit when the landlord
2 has given 14 days' notice to pay rent as provided in Code
3 section 562B.25. The bill amends Code section 648.4 to add
4 that when the tenancy is at will and the forcible entry and
5 detainer action is based on nonpayment of rent, no notice other
6 than the 14-day notice to pay rent provided to a mobile home
7 or manufactured home tenant pursuant to Code section 562B.25
8 need be given before beginning the forcible entry and detainer
9 action.